Louis S. Ederer John Maltbie ARNOLD & PORTER LLP 399 Park Avenue New York, NY 10022 (212) 715-1000

Attorneys for Plaintiffs Artisan Manufacturing Corporation

SOUTHERN DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	X
ARTISAN MANUFACTURING CORPORATION,	: Civil Action No.: 07 CV 11278
Plaintiff,	: :
- against -	: :
ALL GRANITE & MARBLE CORPORATION.,	<b>:</b>
Defendant.	; ;
	; x

DECLARATION OF JOHN MALTBIE IN FURTHER SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

## **EXHIBIT G**

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                  UNITED STATES DISTRICT COURT
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              FOR THE SOUTHERN DISTRICT OF NEW YORK
     ARTISAN MANUFACTURING
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     CORPORATION,
                      Plaintiff,
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                                      ) 07-cv-11278 (WHP)
                  vs.
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     ALL GRANITE & MARBLE
     CORPORATION,
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                      Defendant.
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                      DEPOSITION OF PETER BUCKO
15
                       Parsippany, New Jersey
16
                     Thursday, February 7, 2008
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    Reported by:
     FRANCIS X. FREDERICK, CSR, RPR, RMR
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     JOB NO. 15244B
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1 2 A P P E A R A N C E S: 3 ARNOLD & PORTER 4 Interrupt of Personary 7, 2008 5 February 7, 2008 6 10.57 a.m. 7 Deposition of PETER BUCKO, held at the offices of Hoffmann & Baron, 6 Campus Drive, Parsippany, New Jersey, 10 pursuant 10 Notice, before Francis X. 13 Frederick, a Certified Shorthand 14 Reporter, Registered Merit Reporter and 15 Notary Public of the States of New York 16 and New Jersey. 17 18 19 20 19 21 22 23 24 25 TSG Reporting - Worldwide 877-702-9580  Page 4 1 P. BUCKO PETER BUCKO, called as a winess, having been duly swom by a Notary Public, was examited and testified as follows: 6 EXAMINATION BY MR. MALTBIE: 8 Q. Good morning. My name is John Maltibie. I'm an attorney with the law firm of Arnold & Porter. My firm represents Artisan Manufacturing Corporation, the manufacturer 11 and distributor of Artisan sinks in a lawsuit 13 that's been filed against All Granite & Marble 15 Corporation.  Mr. Bucko, we were introduced a moment ago off the record but would you kindly state your full same and residential address for the record? A. No. Q. No I'm going to go over a few of 13G Reporting - Worldwide 877-702-9580  A RRNOLD & PORTER Automeys for Plaintiff 399 Park Avenue New York, New York 10022-4690 BY: JOHN MALTIBE, ESQ. HOFFMANN & BARON, LLP Attorneys for Defendant 14 Attorneys for Defendant 15 A Campus Drive 15 A Campus Drive 16 Acampus Drive 17 18 BY: JON A. CHIODO, ESQ.  Page 5 P. BUCKO the ground rules that will hopefully keep things moving smoothly this morning. What I'm going to be doing is asking a series of questions regarding your knowledge of the facts and circumstances concerning All Granite's promotion and use of sinks in connection with its countertop installation services.  U's your obligation to answer my questions truthfully and to the best of your ability.  Is that understood? A. Yes. Q. In the event also if you need a question repeated, let me know and we can cither have it read back or I'll state it again for you.  In addition, it's important that you provide verbal answers to my		Page 2		Page 3
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	Page	6	Page 7
1	P. BUCKO	1	P. BUCKO
2	that. I only ask that you not ask to take a	2	college. I didn't finish high school in
3	break while a question is pending.	3	Poland. I studied two years law in Poland. I
4	A. Okay.	4	didn't finish it.
5	Q. And just in order to help things	5	Q. I'm sorry. You said you studied
6	run smoothly, please wait for me to finish n	ny 6	two years
7	question before you start answering and I'l	7	Å. Law.
8	wait for you to finish your answer before I	8	Q. Law?
9	start questioning. Okay?	9	A. Yes.
10	A. Um-hum.	10	Q. And now you're in community
11	Q. Just to clarify an issue with	11	college here in the United States?
12	respect to language that's been raised, is it	12	A. Um-hum.
13	correct to say that English is not your first	13	Q. And do you feel comfortable
14	language?	14	answering my questions in English?
15	A. It's my second language.	15	A. Sure, yeah.
16	Q. And what is your first language?	16	Q. Mr. Bucko, did you speak with
17	A. Polish.	17	anyone other than your attorney in
18	Q. Were you born in Poland?	18	anticipation or preparation of your testimony
19	A. Yes.	19	here this morning?
20	Q. How long have you been in this	20	A. This morning? No. Not really,
21	country?	21	no.
22 23	A. Three years.	22	Q. Not really or
23	Q. And what is the highest level of	23	A. No, no, no. Definitely not.
25	schooling you have completed?	24	Q. Do you recall if you spoke to Mr.
25	A. Right now I'm going to community	25	Deja with respect to the testimony?
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	Page 8	3	Page 9
1	P. BUCKO	1	
2	A. Is	2	P. BUCKO
3	MR. CHIODO: I think you pronounce	3	collect any documents relating to this lawsuit?
4	it Deja.	4	A. No.
5	MR. MALTBIE: Deja?	5	Q. Do you know if any other All
6	MR. CHIODO: Robert.	6	Granite employees were asked to look for any
7	Q. Robert.	7	documents in connection with this lawsuit?
8	A. Oh. I mean, we just had a basic	8	A. No.
9	conversation, you know.	9	Q. Did you review any documents in
10	Q. When was that?	10	preparation for your testimony today?
11	A. Couple days ago that we have I	11	A. No.
12	mean, he just said we're going to have a	12	Q. Mr. Bucko, you're currently
13	meeting with we're going to have a	13	employed by All Granite; is that correct?
14	deposition with you. And that's pretty much	14	A. Yes, um-hum.
15	it.	15	Q. How would you describe the nature
16	Q. And do you have any understanding	16	of All Granite's business?
17	with respect to what this case is about?	17	A. It's a granite company which sell
18	A. Yeah, I know what it's all about,	18	granite and marble countertops, vanities tops,
19	yeah.	19	fireplace surrounds.
20	Q. And what's your understanding of	20	Q. How long have you been employed by
21	what this case is about?	21	All Granite?
22	A. I mean, it's about Artisan Sinks	22	A. Sixteen months.
23	thinks that we sell the Artisan sinks, right?	23	Q. Do you have a title at All
24	That's what it's all about.	24	Granite?
25	Q. And were you asked by anyone to	25	A. Actually yeah, I'm production
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Page 11 Page 10 1 P. BUCKO P. BUCKO 1 2 of production coordinator at All Granite? 2 coordinator. 3 Q. Is that different from a salesman? A. No. 3 What prior titles have you had? 4 Q. A. It's almost exactly the same thing 4 because I do the sales job, I'm selling the 5 A. Senior salesman. 5 Q. Anything else? granite countertops and evaluate the projects. 6 6 That mean, you know, after the template gets 7 A. You start with the junior salesman, then you go to salesman, then senior done every project comes through me. 8 8 salesman. Then it's the project coordinator. 9 Q. Sort of like a quality control; is 9 Q. So as production coordinator, do 10 that correct? 10 you still have responsibility for --A. Yeah. Right. 11 11 12 A. For customers? Q. So you look to make sure that the 12 O. For sales? For customers? 13 templates are cut correctly --13 14 A. Um-hum. A. Exactly. I just evaluate the 14 Q. And who do you report to as 15 15 prices. production coordinator? So you evaluate the prices? 16 16 Q. A. To the project manager. Yes. I evaluate the prices and 17 17 then the project manager just confirm the O. To Alex? 18 18 19 A. Alex, yes. 19 price. 20 Q. And is there anyone that reports Q. And is there one project manager 20 or more than one project manager? 21 to you? 21 22 A. No. A. There's one project manager. 22 Q. And do you know if All Granite has Q. Who is that? 23 23 more than one location? 24 A. Alex. 24 We have three locations. 25 25 O. And have you always held the title TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580 Page 13 Page 12 1 P. BUCKO P. BUCKO 1 referring to Mr. Pilszak? 2 2 Q. Do you know where those are A. Mr. Pilszak, yes. 3 3 located? 4 Q. And is it correct to say that A. Ridgefield Park, Bergen County, 4 5 you've worked at South Plainfield throughout South Plainfield, and Stroudsburg, 5 your employment at All Granite? 6 6 Pennsylvania. 7 A. Yes. 7 O. And have you been to each of those 8 Q. And how did you come to be 8 locations? 9 employed by All Granite? 9 A. No. 10 A. I just found it out in a want ad 10 O. Have you been to any of those magazine and just called the number and 11 11 locations? 12 interviewed. 12 A. South Plainfield. Q. And who did you interview with? O. And how many people in the South 13 13 14 A. Alex. Plainfield location are responsible for 14 Q. And we mentioned the name Robert handling customers or sales? 15 15 16 Deja before. A. Five. 16 17 A. Um-hum. 17 Q. Who are those people? Q. Do you know what Mr. -- what A. Julie, Chris, Robert and Myron. 18 18 Q. Sorry. What was the last one? 19 Robert's title is? 19 A. No. 20 20 A. Myron. Q. Do you have any interaction with 21 Q. Myron? 21 Robert on a day-to-day basis? 22 A. Myron. 22 A. No. He's working in Ridgefield O. Julie, Chris, Robert, Myron --23 23 24 Park now, our main office. So -- I know who A. And Peter. 24 Robert is but I don't know what his title is. Q. When you refer to Chris, are you 25 25 TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580

Page 14 Page 15 1 P. BUCKO 1 P. BUCKO 2 It's just a -- I think he's a friend of the 2 A. Just a straight salary. 3 company. He's working this company for a long 3 Q. Do you know if All Granite 4 time so... 4 provides any incentives or awards for its 5 Q. Is there a managerial level at the 5 salesmen for sales performance? 6 South Plainfield showroom? 6 A. I'm sorry. Can you ask me again? 7 A. Um-hum. 7 Q. Do you know if All Granite 8 Q. How many managers are there? 8 provides any incentives or awards to its 9 A. Two. 9 salespeople for sales performance? 10 Q. Who are they? 10 A. I think not. 11 A. Alex and Daniel. 11 Q. Do you know who's responsible for 12 Q. And is there a receptionist or 12 keeping track of sales? 13 secretary at the South Plainfield --A. Probably someone from Ridgefield 1.3 14 A. There's a bookkeeper. 14 Park, I guess. But it's not like I --15 Q. Bookkeeper? O. Now, as production coordinator 15 16 A. Bookkeeper. 16 would you say that you are as involved or less Q. And when phone calls come into the 17 17 involved or more involved with customers that 18 South Plainfield location are they --18 come in to the South Plainfield location than 19 A. We pick up the phones. 19 someone who's just a salesperson? 20 Q. So anyone --20 MR. CHIODO: Objection to the 21 A. Any salesperson. 21 form. You can answer if you understand. 22 Q. Picks up the phones. 22 A. Less involved. Yeah, less 23 And how are you compensated by All 23 involved. 24 Granite; is it straight salary, salary plus 24 Q. So some of your time is spent 25 commission, commission only or something else? 25 doing the production coordinator jobs? TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580 Page 16 Page 17 1 P. BUCKO 1 P. BUCKO 2 A. It depends how many customers we 2 offers in its showroom? 3 have at the office. So let's say if there's 3 A. No. I was just informed that the 4 only two customers, we have another sinks which we provide for free and you can 4 5 salesperson, they can -- if they can help, 5 give them to any customer. that's fine. I work there for like 16 months. 6 6 Q. When were you informed of that? 7 If they have some questions, they can always 7 A. When I start to work. 8 ask me. 8 Q. So 16 months ago? 9 Q. Have you received any training 9 A. Sixteen months ago, yes. during your employment with All Granite? 10 Q. So how many customers on average 10 11 A. Um-hum. 11 would you say you assist on a weekday? Q. What kind of training have you 12 12 A. If it's during the week, ten, 15 13 received? 13 customers a day. If it's a Saturday it's more 14 A. It's training letting us know 14 difficult so we have even 20, 25 persons. 15 about how to select the colors. How to match Q. And can you describe the process 15 16 the colors. 16 of assisting a customer who comes into the 17 Q. When you say colors you're talking 17 South Plainfield location? 18 about the color of the marble? 18 A. Usually when customers come to the 19 A. Color of marble and granite, yes. 19 office they have a layout of the kitchen 20 How to prepare the estimate. sketch or anything like that. So we can 20 Q. Did you also receive training with prepare the price. They have five different 21 21 22 price categories so they will see how much we respect to the computer system? 22 23 A. Um-hum, yes. 23 charge for the least expensive, how much for Q. And have you received any training 24 24 the most expensive stone. And then if they go 25 with respect to the sinks that All Granite to the sample board, on the sample board they 25 TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580

Page 19 Page 18 P. BUCKO P. BUCKO 1 1 2 have lot numbers and small stickers. This way template cuttings as they go out --2 A. Um-hum. I mean, it's not about they can recognize which stone is in which 3 3 that. It's just -- each guy who does a 4 4 price. template, has to prepare a drawing. Based on 5 Whatever they find, we take the 5 the drawing we calculate the final price and numbers, we take them to the warehouse, show 6 6 them the colors. They allowed to take, like, 7 actually that's what I'm responsible for. 7 couple samples, five, seven samples, and 8 Q. So you're talking about actually 8 9 measuring the square footage --9 that's pretty much it. A. Measure the square footage. 10 O. So does that culminate with 10 Double check the template if the measurement providing an estimate to the customer? 11 11 is correct. And just prepare the final price 12 A. Um-hum. 12 and make sure everything is okay. O. And that's the computer-generated 13 13 Q. And so does the final sale get 14 14 estimate? handled by somebody else at the South 15 15 A. Yes. 16 Plainfield location then? O. And as far as you know that 16 17 A. Um-hum, yeah. estimate is then saved in the system; is that 17 Q. And who is that? 18 correct? 18 19 A. I guess Alex. 19 A. It's saved in the system, yes. 20 O. To your knowledge, how many Q. Now, do you have any 20 responsibility for following through with 21 customers that you assist seek or request a 21 sink installation along with the countertop? respect to the actual installation and sale of 22 22 A. I mean, it's -- there is \$150 23 a countertop? 23 charge for undermount sink. We install the 24 24 A. No. 25 sink and we drill three holes for the faucet. Q. So other than maybe checking 25 TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580 Page 21 Page 20 P. BUCKO 1 P. BUCKO 1 So that's something which we always do. We 2 cabinets. They still don't ready to be -- to 2 install the granite. So they usually don't 3 mount the sink. 3 4 have the sinks. O. So there's a \$150 charge just to 4 5 Q. So is it fair to say then that 5 cut the hole -most customers request a sink from All 6 6 A. Just to cut the hole, polish 7 7 inside, mount the sink, and drill three holes Granite? 8 A. Not like they request. We tell 8 for the faucet. Yes. Q. Well, you're familiar with -- All 9 them that we can give them one of our sink for 9 Granite has a promotion where it includes free 10 10 Q. And do you know if most customers 11 sinks: is that correct? 11 that you tell accept that offer or something 12 12 A. Yes. Q. And is there any prerequisite for 13 else? 13 getting a free sink? 14 A. I mean, it's really depend. It's 14 really depend what the customer looks for. 15 A. No, just -- you know, if the 15 if -- it's a stainless steel so not everybody customer have their own sink, that's fine. 16 16 wants to have stainless steel in the kitchen. 17 17 There is still \$150 charge for that. We can And we have only three different kind of use their sink. If not, just we can provide 18 18 sinks. It's the rectangular, D-shaped and the them with one of our sink. I mean, it's 19 19 pretty good some kind of stainless steel sink. 20 double bowl sink. It's really depending what 20 the customer looking for. 21 Q. And do most customers have their 21 Q. Yeah. Maybe I'm being confusing 22 own sinks or do they request an All Granite 22 23 but I'm just asking whether most customers end 23 sink? up taking a sink from All Granite or whether 24 24 A. Most of the customer which come to our location, they still don't have the 25 most customers don't take a sink from All 25 TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580

Page 22 Page 23 1 P. BUCKO 1 P. BUCKO 2 Granite. 2 estimate --3 A. Most customer take the sink, yeah. 3 A. I don't have to record it. That's 4 Q. And are you aware of any coupon 4 basically the policy. It doesn't matter what 5 promotion that All Granite has with respect to 5 kind of sink she use. It just need to know if 6 the free sinks? 6 you want to do undermount or drop-in sink. 7 A. I mean, there is some coupon in 7 Because there is two different charges. 8 the Clipper Magazine, yeah. 8 There's \$150 for undermount and \$80 for a 9 Q. And does All Granite require 9 drop-in sink. It doesn't matter what size. 10 customers to present a coupon in order to get It doesn't matter if it's single bowl, if it's 10 11 a free sink? 11 a double bowl. That's the question our 12 A. No. 12 technician asks. 13 Q. So what happens when a customer 13 Q. And the technician works where? 14 brings you a coupon for a free sink? 14 They work in the warehouse or somewhere else? 15 A. We take it. That's fine. I mean, 15 A. I mean, the technician -- the just -- it's more for advertising. We take it 16 16 people who go to the customer house to do the 17 and we just throw it out. 17 template, because they have to measure the Q. In preparing an estimate for a 18 18 base cabinets and based on that they can 19 customer who's interested in receiving an All 19 decide what kind of sink they can use. If 20 Granite sink, how would you note that on the 20 they can use double bowl sink, they can use estimate? Or would you note that on the 21 21 single bowl sink. 22 estimate? 22 Q. How does the technician know that 23 A. Would I know what? 23 the customer is requesting an All Granite 24 Q. How would you record the fact that 24 they've requested an All Granite sink on the 25 25 A. I mean, they don't have to know TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580 Page 24 Page 25 1 P. BUCKO P. BUCKO 2 that. That's if the customer -- we told the 2 A. Plus Saturday. 3 customer if they want to use one of our sink 3 Q. Plus Saturday? 4 just tell the store technician. If not, just 4 A. So ten, 12 kitchen. 5 have your own sink when we come to measure. 5 Q. When you are reviewing the 6 Q. So it's up to the customer to tell measurement calculations to confirm the price 6 7 the technician when they came to the --7 is that usually in connection with a final 8 A. To tell the technician, um-hum, 8 order? 9 Q. On average how many kitchen 9 A. Yes. That's what the customer is 10 countertop installations would you say that 10 going to have. 11 you sell in a week? Q. And how many measurement 11 12 A. In a week? calculations would you say that you review a 12 13 Q. Yeah. 13 day for kitchen and countertop insulations? 14 It's not possible to calculate 14 A. In this location usually ten to 15 that. 15 12. Sometimes 17, even 20. 16 Q. Why is that? 16 Q. Per day? 17 I mean, because not every customer 17 A. A day, yes. 18 buy a kitchen -- I mean, I would say maybe two 18 Q. And when you're reviewing those 19 kitchens a day. I can sell two kitchens a measurement calculations is there any way for 19 day. Times five, let's say. Times five. So 20 20 you to recognize that an All Granite sink is 21 we have ten kitchens. being installed in connection with that 21 22 Q. When you say times five do you 22 installation? 23 mean times five salespeople? 23 A. Sometimes. Just -- sometimes the 24 A. Five days. 24 technician just mark letter "D" on the 25 Q. Five days. 25 drawing. That means a D-shaped sink. So I TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580

Page 27 Page 26 1 P. BUCKO P. BUCKO 1 2 location larger or smaller than Ridgefield know it's a single bowl D-shaped sink. But 2 for me basically it doesn't matter. There's 3 Park, if you know? 3 A. Ridgefield Park is just a little 4 4 still \$150 charge for that. 5 bit bigger. They have a small office but the Q. So is there any way for you to 5 whole location is bigger. know how many of the final measurements you 6 are reviewing actually include the 7 Q. Now, when you're helping customers 7 I presume that some would ask to see the All installation of a sink provided by All 8 8 9 Granite sinks; is that correct? 9 Granite? 10 A. Um-hum. A. That's probably something which I 10 Q. And what did you do when they ask 11 11 don't know. Q. Do you know how many sinks All 12 to see those? 12 Granite keeps in its inventory? 13 A. We have a small room for the 13 sinks. We have like a small display and they 14 14 A. No. can see those sinks. So just, you know, they Q. Do you know who would know that? 15 15 can take a look on that just how the sink A. You'd have to ask somebody from 16 16 17 looks with the granite. And they can decide Ridgefield Park. We're just a small location. 17 You know, we don't keep this. We don't know which sink they'd like to have. 18 18 19 Q. Let me show you what's previously 19 that. 20 been marked as Defendant's Exhibit 70 which I 20 Q. So are there any sinks kept at the South Plainfield location? 21 will represent to you are examples of Clipper 21 22 Magazine advertisements for All Granite & A. Yeah. We have some -- I mean, we 22 have all those sinks in our warehouse but how 23 Marble which have been produced by All Granite 23 and marked as an exhibit at the deposition of 24 24 many we have, I can't say. 25 Allison Davies which took place yesterday. 25 O. And is the South Plainfield TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580 Page 29 Page 28 1 P. BUCKO 1 P. BUCKO Mr. Bucko, if you could just take is based upon? 2 2 a look at the second page of this exhibit, for 3 A. It's just an average. Because 3 example, which bears Bates stamp number AGM let's say if a customer has a kitchen and two 4 4 0123. And have you ever seen a document like bathrooms, we give the sink for the kitchen 5 5 6 and all sinks for the bathroom. So even it's 6 this before? 7 more -- sometimes it's even more than \$540. 7 A. Yes. 8 It's just an average. 8 Q. And, to your knowledge, what is 9 Q. Is that an average of a retail 9 this document? 10 cost or wholesale --10 A. This is the Clipper Magazine. This is the coupon for the free sinks. 11 A. Retail cost, yeah. 11 Q. Do you know if All Granite has 12 Q. And do you know how long All 12 ever sold any sinks for \$360? Granite has been using a free sink coupon 13 13 A. We don't sell any sinks all. It's 14 14 promotion? 15 not like any customer can come to our office 15 A. At least 16 months. and just buy the sink by itself. The sink Q. So it's been in place since you've 16 16 17 comes with the order. 17 been there? 18 Q. So do you know if All Granite has A. Yes. Exactly. 18 ever sold any sinks for \$540? 19 Q. Okay. And if you look at the 19 bottom portion of this advertisement, do you 20 A. No. 20 Q. Has a customer ever asked you see there's a value range of \$360 to \$540? 21 21 about the values that are listed in the 22 A. Um-hum. 22 23 23 Q. Do you see that? coupon? 24 A. Yeah. 24 A. No, not really. No. 25 Q. Not really or --25 Q. Do you know what value that range TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580

Page 30 Page 31 1 P. BUCKO 1 P. BUCKO 2 A. No, no, no. 2 everything gets basically marked on the 3 Q. And what happens if a customer 3 template. So based on that they would know does not have a coupon but asks for a sink? 4 4 which sink. 5 A. That's fine. I mean, there's no 5 Q. You say you use some numbers? problem with that. We just give it to them. 6 6 Which numbers do you use? 7 Q. And have you ever charged a 7 A. We have some numbers. It's just a 8 customer for a sink? 8 number for the single bowl, for the double 9 A. No. bowl sink. I don't remember those numbers 9 10 Q. And do you know if there are any 10 right now, because we -- if we describe, we records kept specifically with respect to sink 11 11 just told it's a D-shaped sink, rectangle, or 12 installations? 12 double bowl sink. Because, like I said, we 13 A. I don't know anything about it. 13 have only three different sinks. 14 Q. When a sink is installed is it the 14 Q. And is that written on the 15 technician who goes to the location to install 15 template? 16 the sink? 16 A. It's written on the template, 17 A. Um-hum. 17 veah. 18 Do you know how a technician is 18 Q. Okay. Mr. Bucko, prior to 19 supposed to know that they're supposed to 19 learning of this lawsuit, had you ever heard 20 bring a sink with them? 20 of Artisan sinks? 21 A. It's marked on the template. It's 21 A. Yes. marked on the template. So, like, you know, 22 22 Q. And how did you hear about them? 23 you have a template and there's a mark with 23 A. I mean, Artisan sink is pretty 24 either a single bowl or rectangle or D-shaped. 24 popular company, like Kohler or Krackston. 25 And we have some numbers they use. So Q. Do you recall when you first heard 25 TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580 Page 32 Page 33 1 P. BUCKO 1 P. BUCKO 2 of Artisan sinks? 2 Q. Were you aware that an Artisan 3 A. That was probably long time ago. 3 sink was on display in the South Plainfield 4 I can't remember. 4 showroom? 5 Q. Was it before you started working 5 A. No. no. 6 for All Granite or after? 6 Q. Did you ever tell a customer that 7 A. No. It was after I start to work 7 an Artisan sink can be installed in their 8 at All Granite. I mean, we just stay in this 8 home? 9 business. So it's like -- you just hear what 9 A. No. 10 the customer say, what the customer ask. 10 Q. Do you know if All Granite carries 11 Things like that. 11 Artisan sinks for installation in customers' 12 Q. Do you know if All Granite's ever 12 homes? 13 purchased Artisan sinks from Artisan 13 A. I don't know anything about it. 14 Manufacturing? 14 Q. With respect to the sinks that All 15 A. I don't know anything about it. Granite does have on display, do you know who 15 16 Q. Do you know if All Granite has 16 manufacturers those sinks? 17 ever sold Artisan sinks to customers? 17 A. No. 18 A. No. 18 Q. Do you know anything with respect 19 Q. Do you know if All Granite ever 19 to the construction or engineering of those 20 gave away Artisan sinks as part of a 20 sinks? 21 promotion? 21 A. No. We don't sell those sinks. 22 22 That's not something which we do. We sell 23 Q. Have you ever received any product 23 granite countertops. That's what we do. 24 training with respect to Artisan sinks? Q. Okay. Understood. I'm just 24 25 A. No. 25 asking if you know anything about the TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580

Page 35 Page 34 1 P. BUCKO P. BUCKO 1 2 A. Yes. 2 specifications for the sinks that are on Q. What if a customer asks you about 3 3 display in the South Plainfield showroom? a particular brand name; will you tell them A. What do you mean by the 4 4 that they can get that brand name? 5 5 specifications? 6 A. No. Q. The quality of the construction, 6 7 Q. Has a customer ever asked you what they're made of. 7 specifically about having an Artisan sink 8 8 A. No. I mean, it's a stainless installed in their home? 9 steel. You can just say it's a stainless 9 A. No. Unless he buy the sink from 10 10 steel. the Artisan, we can install it. Install it 11 O. Do you know if the sinks that are 11 12 for him. on display in the South Plainfield location 12 Q. Have you ever told a customer that 13 are 16 gauge sinks? 13 an Artisan sink can be installed in their 14 A. Maybe possible. 14 Q. Do you know --15 home? 15 A. No. 16 A. No, but I don't know. 16 Q. Do you recall ever demonstrating 1.7 Q. Do you know whether the sinks on 17 the difference between 16 gauge stainless 18 display at South Plainfield are 18 gauge 18 steel and 18 gauge stainless steel by banging 19 19 sinks? on the sinks in the South Plainfield showroom? 20 A. I know that the 16 gauge is better 20 than the 18. So, I mean, if customer ask me 21 A. Yes. That's possible. 21 Q. It's possible or do you recall if it's a 16 gauge I know it's better, so I 22 22 23 will say it's a 16 gauge. doing that? 23 24 A. I mean, it's possible. I mean, O. Even though you don't know if --24 yes, it probably is. Yes. 25 that, in fact, it is a 16 gauge. 25 TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580 Page 37 Page 36 P. BUCKO 1 P. BUCKO 1 2 A. Couple weeks ago. Q. So would it be the case that there 2 3 Q. And how did you learn that? is a 16 gauge stainless steel sink in the 3 A. Robert called me. South Plainfield showroom? 4 4 O. And what did Robert tell you? 5 A. Maybe. I'm not sure what kind of 5 A. I mean, just told me that the guys gauge is that. But, I mean, if -- just like I 6 6 send a letter that a private detective was in said, if the customer ask me if it's a 16 7 7 our office and that's it. He ask me if I gauge I know the 16 gauge is better so I will 8 8 9 remember the customer. 9 say it's a 16 gauge. 10 Q. And what did you say? O. Have you ever provided any 10 documents to customers regarding Artisan 11 Α. No. 11 O. Was that the end of the 12 12 sinks? 13 conversation? 13 A. No. A. That was very short conversation. 14 Q. I show you what's previously been 14 Q. Was there anything else said 15 marked as Plaintiff's Exhibit 1 which is a 15 during the conversation? copy of an investigator's report of an 16 16 investigation into All Granite Marble done by A. No, no. He just asked me if I 17 17 remember the customer. If I -- do you 18 18 Artisan. remember what I said, what -- what we was 19 19 And let me ask you first, Mr. Bucko. Were you aware that Artisan had done 20 talking about. I just said I don't remember. 20 Q. If you'd just flip to the -- let's an investigation into All Granite? 21 21 see. The page that has a Bates stamp ART 22 A. Right now I know that. But 22 0039. It's close to the end of the document. 23 23 before, no. 24 If you look at the bottom picture there, do Q. When did you first learn that 24 you recognize the gentleman who's in the 25 25 there was an investigation done? TSG Reporting - Worldwide 877-702-9580

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Page 38 Page 39 1 P. BUCKO 1 P. BUCKO 2 center of the picture? 2 Do you happen to recall helping a 3 A. Yeah. That's me. That's me. 3 customer named Susan Murray on November 6th. 4 Q. And the man sitting to the --4 2007? 5 A. That's Chris. 5 A. No. We have so many customers 6 Q. That's Mr. Pilszak? 6 it's not possible to remember the name. 7 A. Mr. Pilszak. 7 Q. If you just look down a few 8 Q. And just looking back at the first 8 sentences in this paragraph it says, "Mr. 9 page of this exhibit, I'll represent to you 9 Bucko stated that a free sink is provided with 10 that this investigation report relates to 10 the installation of a countertop when a coupon 11 visits that an investigator -- two occasions 11 from the Clipper was provided." 12 when an investigator visited All Granite once 12 Is that something that you would 13 on November 6th and then again on November 13 normally do when making a sales presentation 14 27th; and further that with respect to the 14 to a customer? 15 November 6th visit the investigator relates 15 A. No. If the customer has a coupon that she met with a Peter Bucko, a male 25 16 16 that's fine. If not we still do it. 17 years old, thin, with blond hair with a 17 Q. So you wouldn't mention the 18 eastern European accent. 18 Clipper coupon. 19 A. Yeah, that's me. 19 A. No. Because that's not necessary. 20 Q. I'm sorry? 20 Either way she's got the sink for free so... 21 A. Yeah, that's definitely me. 21 Q. The report continues to say, "He 22 Q. And I'll also represent that the 22 then told the investigators about gauge and 23 investigator's name or the name that she used 23 banged on two sinks to show the difference in 24 during this visit was Susan Murray and she was 24 sounds." 25 with another gentleman. 25 Do you recall banging on the TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580 Page 40 Page 41 1 P. BUCKO 1 P. BUCKO 2 sinks? 2 Q. So sitting here today, do you 3 Maybe. Maybe. Yeah. 3 recall ever telling any consumer that they 4 Q. Is that something you do on 4 could have -- or sorry, strike that. 5 occasions or frequently? 5 Sitting here today, do you recall 6 That's something I did a couple A. 6 telling any consumer that the D-shaped double 7 times. 7 sink in the South Plainfield showroom was a 16 8 So more than once. Q. 8 gauge Artisan sink? 9 A. Yeah. 9 A. If the customer ask, maybe. But 10 Q. It continues, "he pointed 10 if not, there is no reason to talk about it. 11 specifically to the D-shaped double sink with 11 Q. If the customer asks if it's an 12 the serial number 8455R and a price of 250 and 12 Artisan sink you might have told them that it 13 said it was a 16 gauge Artisan sink and they 13 was an Artisan sink? were tougher and better than other sinks on 14 14 A. No, no, no. If the customer asks 15 the market." 15 if it's a 16 gauge, it's possible I said it's 16 Do you recall ever telling any 16 a 16 gauge. 17 consumer that the D-shaped double sink on 17 Q. Do you recall telling any consumer display in South Plainfield was a 16 gauge 18 18 at any time that Artisan sinks were tougher 19 Artisan sink? 19 and better than other sinks on the market? 20 A. I never said it's an Artisan sink. 20 A. No. 21 That's out of question. But maybe I said it's 21 Q. The report continues --22 16 gauge. That's possible. But just, like I 22 A. I mean, I don't know the company 23 said, I don't remember the situation so it's 23 that good. I just know that the customer come like -- it's hard for me to say. I don't 24 24 to our office, come to our location to either 25 remember. 25 ask for Artisan sink. They also ask for a TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580

Page 43 Page 42 1 P. BUCKO P. BUCKO 1 Krackston sink, they also ask for a Kohler 2 in order to give the free sink because it's 2 3 really not necessary. sink. And it's just -- you know, all 3 Q. Showing you what's been marked as information I have about Artisan sink is 4 4 Defendant's Exhibit 73 which is a document basically from the customers. It's not like I 5 5 Bates stamped ART 00241 through 00242. I'll look on the Internet and see what they have. 6 6 7 represent that the second page of this exhibit It's just what the customer told me. 7 is a blow-up of the first page of this Q. The report continues, "AD provided 8 8 exhibit. a magazine ad for Artisan from Kitchen Trends 9 9 Mr. Bucko, this document is titled magazine and Mr. Bucko said this Artisan sink 10 Artisan AUD 23210-D9 Undermount Single Bowl 11 would be installed with the countertop for 11 free as long as a coupon would you provided." 12 Kitchen Bar. 12 13 MR. CHIODO: I'm going to object Do you see that? 13 to that. The title as you can see on the 14 14 Do you recall ever having a second page is actually Artisan, 15 customer show you a magazine ad for Artisan 15 A-R-I-S-T-A-N. sinks and asking you whether an Artisan sink 16 16 MR. MALTBIE: All right. Artisan. 17 could be installed? 17 Q. Mr. Bucko, have you ever seen this 18 18 A. No. 19 document before? 19 Q. And do you recall ever telling any A. Nope. consumer that a coupon was required in order 20 20 to take advantage of the free sink offer? 21 Q. Have you ever seen a document like 21 22 this before? A. I don't remember any situation 22 23 A. No. Not like this one. like that. Just like I said, this is just an 23 Q. Just go back for one second to ad to remind us we have -- those sinks, they 24 24 Plaintiff's Exhibit 1. If you look at the 25 for free. We don't -- I don't need a coupon 25 TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580 Page 45 Page 44 P. BUCKO 1 1 P. BUCKO 2 to order any of these sinks that are out of page ART 00027. 2 3 stock? 3 A. (Witness complies.) 4 A. No. O. And can you tell me if you've ever 4 Q. You don't know or --5 seen this document before? 5 6 A. I don't know. I just don't know. 6 A. Um-hum, yes. 7 Q. Now, with respect to all the sinks O. What is this document? 7 that are shown on this page with the exception A. Just informational kind of thing 8 8 9 of the sink on the bottom, do you know if any we provide. Like I said, we only have three 9 of these sinks were sold under any particular 10 stainless steel sinks in stock; D-shaped, 10 brand name or trademark? 11 rectangle or double bowl. 11 12 A. No. O. And with respect to the four sinks 12 13 Q. You don't know or they were not? that are crossed out, do you know -- have 13 A. No, I guess not. No, no. those sinks ever been in stock during your 14 14 Q. And then looking at the sink on 15 time at All Granite? 15 the bottom of the page, KHL 2210, is that a 16 A. This one is pretty much the same 16 17 Kohler sink? as -- we had this one before (indicating). 17 Q. You're referring to the sink style 18 A. That's what's here, Kohler sink. 18 19 Q. And can you confirm that All 19 758529? 20 Granite does, in fact, install Kohler sinks in 20 A. 529, yes. 21 customers' houses? 21 O. And do you recall when that sink 22 A. Yes, um-hum. went out of stock? 22 23 O. Does All Granite install any other A. At least six months ago. Maybe 23 24 brands of sinks? 24 more. 25 A. I mean, of course. Because just 25 O. Do you know if there are any plans TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580

Page 46 Page 47 1 P. BUCKO 1 P. BUCKO 2 like I said, most of the customer provide 2 design on them? their own sink. So we install any kind of 3 3 A. No, I think not. 4 sink. Any kind of sink. 4 Q. Do you know what... Q. Sorry. That was a bad question. 5 5 (Pause on the record.) What I meant to say does All 6 6 MR. MALTBIE: I'd like to mark as 7 Granite install any particular or specific 7 Plaintiff's Exhibit 3 the document 8 brand of sinks that are provided by All 8 bearing Bates stamp numbers ART 00110 9 Granite to the customer? 9 through ART 00113 which I'll represent 10 are documents produced by Artisan and A. No, no. 10 11 Q. Do you know if the sinks that All 11 consist of advertising and promotional 12 Granite installs have any particular logo or 12 material relating to Artisan sinks. design on them? 13 13 (Plaintiff's Exhibit 3, document 14 A. They have some kind of logos, yes. 14 bearing production numbers ART 00110 15 They have some kind of like small stickers. 15 through ART 00113, marked for 16 logos, whatever that is. 16 identification as of this date.) 17 Q. Is it a sticker or --17 BY MR. MALTBIE: 18 A. It's a logo. It's a logo. 18 Q. Mr. Bucko, if you could just 19 Q. Do you know what that looks like? 19 direct your attention to the first page of 20 A. I never paid attention. 20 this exhibit. And at the lower right-hand 21 Q. Do you know if any of the sinks 21 corner there's the Artisan name and a design 22 that are on display in the South Plainfield 22 next to that. Have you ever seen that design 23 showroom have a logo or design on them? 23 before? 24 A. Yeah. 24 A. No. 25 O. And do all the sinks have the same 25 Q. Do you know if that design was on TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580 Page 48 Page 49 1 P. BUCKO 1 P. BUCKO 2 a sink that was in the South Plainfield 2 sinks that All Granite provides? 3 showroom? 3 A. No. 4 A. No. I think not. I think not. 4 O. Never? 5 But, like I say, I'm not really sure. I 5 No. A. 6 didn't pay attention. Because just, like I 6 Q. Do you know if the logo or design 7 say, the sinks were most -- it was not the 7 that appears on the sinks that All Granite 8 most important thing we offered to the 8 supplies to customers is similar to the design 9 customer. It was just like some kind of 9 that's on the front of what's been marked as 10 bonus. 10 Plaintiff's Exhibit 3? 11 Q. And looking again at what was 11 A. This logo to any of our? 12 marked as Defendant's Exhibit 73, do you know 12 Q. Yes. 13 if this document or a similar document was 13 A. I'm sure I cannot answer. I'm 14 ever made available to customers in the South 14 really not familiar with this. I didn't pay 15 Plainfield location? 15 any attention to those things so... 16 A. No. 16 MR. MALTBIE: Let's have marked as 17 Q. And with respect to the sinks that 17 Plaintiff's Exhibit 4 a document bearing 18 All Granite supplies to customers, do you have 18 Bates stamp AGM 0034. any knowledge with respect to how much those 19 19 (Plaintiff's Exhibit 4, document 20 sinks cost? 20 bearing production number AGM 0034. 21 A. How much we pay for those sinks? marked for identification as of this 21 22 Q. Yes. 22 date.) 23 A. No. 23 BY MR. MALTBIE: 24 Q. Has a customer ever asked you who 24 Q. Mr. Bucko, if you could take a 25 is responsible for the manufacture of the 25 look at what's been marked as Plaintiff's TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580

Page 51 Page 50 P. BUCKO 1 P. BUCKO 1 about a complaint regarding a countertop 2 Exhibit 4 and tell me if you've ever seen the 2 design that's depicted in this document. 3 installation? 3 A. So that's what it is on our sink? 4 A. Um-hum, yes. 4 O. And what did you do with that O. Is that a question or answer? 5 5 A. That's a question. 6 customer? 6 Q. No, I'm asking you, have you ever 7 A. I don't do this anymore. I used 7 8 to have a position that I could schedule seen this design before? 8 service for the customers. If there was any 9 A. No, no. 9 problem with the installation, if they had 10 O. Okay. You mentioned before that 10 chips or cracks, scratches, things like that. all the salespeople are -- can receive phone 11 11 But right now, you know, everything is handled calls at the South Plainfield location. 12 12 by either Alex or Daniel. 13 13 A. Um-hum. Q. Was there any particular reason 14 Q. If a customer was calling with 14 for that change? respect to an installation issue, that call 15 15 A. No. No. I don't know. 16 could be fielded by anyone? 16 Q. And when did you stop being 17 17 A. No. No. responsible for that issue? Q. How are phone calls handled? 18 18 A. Three weeks ago. Maybe two. A. Usually they have to transfer 19 19 Q. Have you ever received any phone those kind of customers to Alex or Danny. 20 20 21 calls or inquiries from customers about the Q. And if a customer was calling with 21 sinks that All Granite installs? respect to, say, a complaint, who would they 22 22 A. Complaints about the sinks? 23 23 speak to? 24 Q. Not necessarily complaints. 24 A. They have to talk to Alex. Questions or inquiries. Q. Have you ever spoken to a customer 25 25 TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580 Page 53 Page 52 P. BUCKO P. BUCKO 1 1 A. Yeah. The customer ask if they 2 that. Any Home Depot. 2 3 Q. When you say the drain are you have to provide us with the sink or we have 3 talking about the drain plug? 4 4 the sinks to sell. A. Yeah, yeah. 5 Q. I'm talking about after 5 Q. Have you also received calls with 6 6 installation. 7 respect to requests for a grid for the sink? 7 A. Ah, after insulation. Q. Have you ever received a call from 8 8 Q. I show you what's previously been a customer who received an All Granite sink 9 9 marked as Plaintiff's Exhibit 2, a document who has a question or concern about a sink? 10 10 bearing Bates stamp number AGM 196. Have you ever received that kind of call? 11 11 A. Um-hum. A. Um-hum. 12 12 13 Q. And, Mr. Bucko, can you tell me if 13 Q. And --14 you've ever seen this document before? A. Sometimes it happens -- because 14 each sink has like a one-inch lip on side. 15 15 And we usually put the silicon between the lip 16 O. And what is this document? 16 and the granite. If the technician don't do 17 A. It's just information that we 17 don't have any relation with the sink. 18 18 this properly it's possible that the sink Q. And do you recall when you first 19 19 leak. saw this document? 20 20 Q. Have you ever had a customer call you after the installation who is seeking A. Couple days ago. 21 21 Q. How did you receive it? 22 accessories for the sink? 22 A. Somebody put this on my desk. To 23 A. No. I mean, they sometimes ask 23 be honest with you, I don't know. Somebody for the drain. But we just send them to 24 24 put this on my desk and just asked -- Lucas, I 25 25 the -- any -- any plumber has something like TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580

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	P. BUCKO	1	P. BUCKO
2	guess, just came and said just read it.	2	um-hum.
}	Q. And who is Lucas?	3	Q. And, Mr. Bucko, are you aware of
l	A. He's a part of the family. It's a	4	any other investigations into All Granite?
,	family business so he's part of the family.	5	A. No.
5	So he didn't have a position in the company.	6	MR. MALTBIE: Let me just look at
,	Q. Did you read the memo?	7	my notes.
}	A. Um-hum.	8	
)	Q. Did you discuss the memo with any	9	(Pause on the record.)
)	other employees of All Granite?	10	Q. Mr. Bucko, have you ever had a
J L	A. No.	1	conversation with Alex regarding Artisan
		11	sinks?
2	Q. Have you ever discussed this	12	A. With Alex, no.
3	lawsuit with any other employees of All	13	(Continued on next page to include
1	Granite?	14	jurat.)
	A. No.	15	•
	Q. Mr. Bucko, do you know if All	16	
	Granite has continued to install kitchen sink	s 17	
	since January 11th, 2008?	18	
	A. Yes.	19	
)	Q. And do you know if the sinks that	20	
	All Granite has installed since January 11,	21	
2	2008 bear the design that's depicted in	22	
3	Plaintiff's Exhibit 4?	23	
ļ	A. Maybe. That's possible. If	24	
;	that's the logo on our sinks probably yes,	25	
,		23	
······································	TSG Reporting - Worldwide 877-702-9580		TSG Reporting - Worldwide 877-702-9580
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		1	
	MR. MALTBIE: I have no further	2	CERTIFICATE
	questions.	3	STATE OF NEW YORK )
	MR. CHIODO: I have no questions.	4	: ss.
	(Time Noted: 11:52 a.m.)	5	COUNTY OF NEW YORK )
	(13332 1332 1332 1332 1332)	6	I, FRANCIS X. FREDERICK, a
		7	Notary Public within and for the State
		8	of New York, do hereby certify:
		9	That PETER BUCKO, the witness
		10	whose denosition is benefit of
		11	whose deposition is hereinbefore set
		12	forth, was duly sworn by me and that
		i	such deposition is a true record of
		13	the testimony given by the witness.
		14	I further certify that I am not
		15	related to any of the parties to this
		16	action by blood or marriage, and that
		17	I am in no way interested in the
		18	outcome of this matter.
		19	IN WITNESS WHEREOF, I have
	PETER BUCKO	20	hereunto set my hand this 12th day of
		21	February, 2008.
	Subscribed and sworn to before me	22	······································
	this day of, 2008.	23	
		24	FRANCIS X. FREDERICK
		25	FRANCIS A. FREDERICK
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1 2 3 4 5 6	WITNESS EXAMINATION BY PAGE PETER BUCKO MR. MALTBIE 4	1 2 NAME OF CASE: ARTISAN v. ALL GRANITE 3 DATE OF DEPOSITION: FEBRUARY 7, 2008 4 NAME OF WITNESS: PETER BUCKO 5 Reason codes: 1. To clarify the record. 2. To conform to the facts. 3. To correct transcription errors. 7 Page Line Reason From to  8 Page Line Reason
1	INFORMATION REQUESTS	8
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				raye
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